

STATUS: Effective

POLICY NUMBER: Waste - 0070 - NPD

SUBJECT: Community Involvement Plan

AUTHORIZED: Bruno L. Pigott, Commissioner

SUPERSEDES: WASTE-0049-NPD

ISSUING OFFICE(S): Office of Land Quality, Remediation Services Branch

ORIGINALLY EFFECTIVE: September 10, 2021

RENEWED/REVISED: Not applicable

Disclaimer: This Nonrule Policy Document (NPD) is being established by the Indiana Department of Environmental Management (IDEM) consistent with its authority under [IC 13-14-1-11.5](#). It is intended solely to provide guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and if it conflicts with these rules or laws, the rules or laws shall control. Pursuant to [IC 13-14-1-11.5](#), this policy will be available for public inspection for at least 45 days prior to presentation to the appropriate State Environmental Board and may be put into effect by IDEM 30 days afterward. If the nonrule policy is presented to more than one board, it will be effective 30 days after presentation to the last. IDEM also will submit the policy to the Indiana Register for publication.

1.0 PURPOSE

This Nonrule Policy Document (NPD) provides a systematic approach to Community Involvement; a necessary component of IDEM's mission to protect human health and the environment and a statutory obligation for some of IDEM's Office of Land Quality remediation programs.

2.0 SCOPE

This NPD applies to the following Indiana Department of Environmental Management (IDEM), Office of Land Quality (OLQ) programs: Leaking Underground Storage Tanks, State Cleanup, and Voluntary Remediation Program. The Resource Conservation and Recovery Act Corrective Action Program will also reference this document as needed and coordinate with the public notice requirements of that program.

3.0 SUMMARY

The NPD provides a systematic/tiered approach to community involvement. The NPD also provides methods for identifying those persons and organizations that may be most affected by contamination and at the same time, providing a staged approach to community involvement to those identified persons based on scope and impact.

4.0 DEFINITIONS

4.1. "Agency" – The Indiana Department of Environmental Management (IDEM).

4.2. "Closure" – IDEM's written recognition that a party has demonstrated attainment of remediation objectives in an area. The written instrument for this decision varies by remedial program (see the Remediation Program Guide, 2012).

4.3. "Consultant" – Conducts investigation and remediation work and communicates with IDEM. Provides documents to IDEM on behalf of the O/O/P and/or RP.

4.4. "Environment" – The complex of physical, chemical, and biologic factors that include land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other similar natural resources, as defined in [IC 13-11-2-137](#), that act upon an organism or ecological community.

4.5. "Groundwater" – Has the meaning set forth in [IC 25-39-2-10](#).

4.6. "Nonrule policy" – The term assigned by the Indiana Department of Environmental Management (IDEM) to those policies identified in [IC 13-14-1-11.5](#) as any policy that:

- A. Interprets, supplements, or implements a statute or rule;
- B. Has not been adopted in compliance with [IC 4-22-2](#);
- C. Is not intended by IDEM to have the effect of law; and

D. Does not apply solely to the internal IDEM organization (is not an Administrative Policy.)

4.7. "On-site" – Has the meaning set forth in [329 IAC 7.1-2-11](#).

4.8. "Owner or Operator" – Regarding petroleum facilities, has the meaning set forth in [IC 13-11-2-151](#).

4.9. "Receptor" – A human and/or ecological entity exposed to a stressor.

4.10. "Release" – Has the meaning set forth in [IC 13-11-2-184](#)(a) and/or (b).

4.11. "Responsible Party (RP)" – (1) The individual, company, group or other entity legally responsible for areas where chemicals of concern are known to have been released, or legally responsible for compliance under state or federal environmental regulations. (2) The entity or party that is required to perform or is voluntarily performing an investigation and/or remedial action or corrective action at a site, and who will in most cases prepare the Record of Remedy Selection and Record of Site Closure.

4.12. "Screening Level" – A chemical-specific concentration level that IDEM has determined to be sufficiently protective at any site, provided it is applied under appropriate land use scenarios.

4.13. "Virtual File Cabinet" – The agency's electronic document management repository. This repository has all the functionality necessary to capture, store, file, index, redact, reassemble and securely access electronic documents of all types both received by and created by the various programs within the Agency and allows the public viewing, searching and printing capabilities.

5.0 ROLES

5.1. The consultant shall:

- A. Represent the responsible party.
- B. Prepare and submit work plans or other documents for a site on behalf of a responsible party.
- C. Coordinate activities with the IDEM OLQ Project Manager.
- D. Perform activities as described in the approved workplans or other documents.

5.2. The IDEM OLQ Project Manager shall:

- A. Assist the consultant with Community Notification and Access Agreements.
- B. Receive, evaluate and provide comments on documents associated with the Community Involvement Plan.
- C. Prepare correspondence to the responsible party and consultant that communicates the status of the remediation project.
- D. Conduct internal team meetings with technical staff to discuss the effectiveness of the Community Involvement Plan.
- E. Conduct meetings with the responsible party or the consultant to discuss approaches to community involvement.
- F. Evaluate different proposals to community involvement proposed by the consultant on behalf of the responsible party.
- G. Ensure all pertinent documents are correctly loaded into the Virtual File Cabinet for storage.

5.3. The responsible party shall:

- A. Conduct community involvement activities or hire a consultant on their behalf to conduct community involvement activities, such as performing community notification or preparing and implementing a community involvement plan to present to the project manager regarding activities that are to occur during the investigation and remediation of a site.
- B. Respond to the IDEM OLQ Project Manager in a timely manner to all requests for information.
- C. Provide data, maps, or records to the IDEM OLQ Project Manager that reflects site conditions.

6.0 POLICY

6.1. IDEM's Office of Land Quality will take a proactive approach to ensure that community stakeholders are informed of site activities and encouraged to participate in the decision-making process.

6.2. IDEM will ensure that community involvement is considered throughout the investigation and remediation process at a site where remediation is occurring, and is not a single event. Community involvement will consist of

a series of activities and actions over the lifespan of a project to inform the public, obtain input, build consensus, and ultimately reach a conclusion.

6.3. OLQ will develop and maintain a Community Involvement Plan (CIP) which will provide procedures and direction for disseminating information, working with affected parties in obtaining property access and encouraging feedback.

6.4. Community involvement will involve three phases that increase scope and involvement based on the level of impact and the level of public interest, as detailed in the Community Involvement Plan, which is attached to this NPDP. An electronic version and any updates can be downloaded.

6.5. The Community Involvement Plan is designed to incorporate statutory requirements for each program area for public notice and input and consists of three phases:

Phase I: Community Notification is implemented if off-site contamination is suspected or when remediation activities will be conducted, requiring notification to nearby property owners.

Phase II: Community Engagement will be implemented when access agreements are necessary because environmental sampling is necessary on off-site properties and requires a written Community Engagement Plan.

Phase III: Expanded Community Engagement should be considered when there is a need for frequent messaging about a site.

Detailed guidance for procedures to implement each phase is described in the attached Community Involvement Plan. IDEM may update the Community Involvement Plan and post it at the link shown in Section 6.4.

6.6. Certain program areas, such as the Voluntary Remediation Program, Leaking Underground Storage Tank Program, and the RCRA Corrective Action Program, require a public comment period. If a statute or rule requires notice of a public comment period to be provided, those requirements should be incorporated into the site-specific Community Engagement Plan.

7.0 REFERENCES

Include references to state or federal statutes, rules, or other external sources. Provide the location of all references to documents available in electronic format. A numbering format has been provided and what is not needed can be deleted. The listing is in order of priority.

7.1. Indiana Statutes:

- A. [IC 13-11-2-137](#) Environment, Definitions
- B. [IC 13-11-2-151](#) Environment, Definitions
- C. [IC 13-11-2-184](#) Environment, Definitions
- D. [IC 13-14-1-11.5](#) Environment, Powers and Duties of Department of Environmental Management and Boards, Duties of Department
- E. [IC 13-25-5-7](#) Environment, Hazardous Substances, Voluntary Remediation of Hazardous Substances and Petroleum
- F. [IC 13-25-5-11](#) Environment, Hazardous Substances, Voluntary Remediation of Hazardous Substances and Petroleum
- G. [IC 25-39-2-10](#) Professions and Occupations, Water Well Drilling Contractors, Definitions

7.2. Indiana Administrative Codes:

- A. [329 IAC 9-5-8](#) Solid Waste Management Division, Underground Storage Tanks, Initial Response, Site Investigation, and Corrective Action, Public Participation
- B. [329 IAC 7.1-2-11](#) Solid Waste Management Division, Priority Ranking System for Hazardous Substances Response Sites, Definitions
- C. [329 IAC 3.1-13-8](#) Hazardous Waste Management Permit Program: Draft Permits, Fact Sheet; Public notice of permit actions and public comment period; Public comments and requests for public hearings; Public hearings; and Response to comments

7.3. Agency Policies:

- A. Waste-0049 Voluntary Remediation Program Community Relations Plan, which is superseded by this nonrule policy.
- B. Waste-0065 Procedures for Gaining Access to Third Party Properties by Participants Performing

8.0 SIGNATURES

Bruno Pigott

Bruno Pigott, Commissioner
Indiana Department of Environmental Management

12/29/2020

Date

Peggy Dorsey

Peggy Dorsey, Assistant Commissioner
Office of Land Quality

12/28/2020

Date

Nancy King

Nancy King, Assistant Commissioner
Office of Legal Counsel and Criminal Investigations

12/29/20

Date

This policy is consistent with agency requirements.

James E. Bouley

Quality Assurance Program, Office of Program Support
Indiana Department of Environmental Management

13 Mar 2021

Date

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An [html](#) version of this document.